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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,077	07/09/2001	Steven Henry Buss	15431-US	7792

7590

09/05/2002

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EXAMINER

KOVACS, ARPAD F

ART UNIT

PAPER NUMBER

3671

DATE MAILED: 09/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application N .

09/902,077

Applicant(s)

BUSS ET AL.

Examiner

Árpád Fábián Kovács

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 09 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5, 8, 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In re claim 5, it is unclear what the phrase "other adjacent chamber" refers to, if it is the same chamber as the one recited in claim 4, as it is assumed, then claim 5 does not further limit claim 4.

In re claim 8, line 5, the phrase "the second chamber" is unclear in view of the disclosure, it appears, and assumed, that the – first second chamber – would be more appropriate, since in fig 4, the baffle ref 42 does not appear to extend into the cutting plane of the second chamber.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Busboom et al (5845475).

In re independent claims 1, 6, 12, Busboom discloses a cutting implement usable with a vehicle, the implement comprising:

a plurality of cutting chambers with cutting blades (42, 44, 46 at the discharge) defining a cutting plane (as shown on fig 2, it is a horizontal cutting plane), at least one of the blade further directing its respective stream of air and vegetation along a front wall (26) of an adjacent chamber, a baffle joined to the front wall of the chamber of the one blade and the adjacent chamber to form a pathway bounded by the baffle and top surface of the chambers for directing the stream from the one chamber to flow upwardly along an upper portion of the front wall of the adjacent chamber and baffle (for example, the cut grass and air is directed from blade 44 and chamber baffle 62 to the chamber containing the blade 46 and baffle 64 attached to the front wall, the connection is also made by the element at 148, at the interior front wall 30);

in re claims 2, 8, the baffle includes two portions being joined to the front walls (for example at 148, or via the top surface) and the baffle is generally above the cutting

Art Unit: 3671

plane (it is shown on fig 4, especially at ref 42, 44, 46 as it touches the lower most portion, about 2/3 down from the up most portion of the baffle, of its respective baffle adjacent to the front wall, thus the baffle portions are generally above), and the portions inclined to form a ramp (for example, the ramp as shown in fig 4, between elements ref 64 and 66) along which the stream flows after leaving the edge of the respective cutting blade;

in re claims 3, 9, the remaining 1/3 area of the baffle is where the stream is not introduced, while the bent vegetation cannot extend into the chamber until the baffle hinders it from straighten itself; therefore, the baffle reduces the stream below the first and second portions as well;

in re claims 4-5, 10-11, the baffle extends laterally inwardly from the front walls (best shown on fig 4, for example, baffles 62 and 64 form a laterally inward extension) of the one blade and adjacent chamber.

Art Unit: 3671

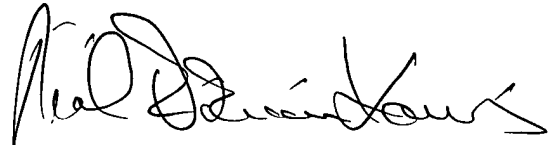
**Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sugden et al., Buss et al., Hohnl et al., Cargile, Willmering et al., Hansen et al., Brocas.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Árpád Fábián Kovács whose telephone number is 703 308 5897. The examiner can normally be reached on Mo-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 703 308 3870. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305 7687 for regular communications and 703 308 8623 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1113.



Árpád Fábián Kovács  
Examiner  
Art Unit 3671

ÁFK  
September 3, 2002